

Docket Number:

78-5662

In the

S U P R E M E C O U R T

RECEIVED

NOV 1 1978

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

*No response filed*

FREDERICK E. ALZOFON and  
NORMA ALZOFON,  
~~Plaintiffs~~ and Appellees,

vs.

NANCY JEWELL CROSS,  
~~Defendant~~ and Appellant.

JURISDICTIONAL STATMENT

Appeal from a Judgment of the Superior Court of California, F.A.D.

NANCY JEWELL CROSS  
1932 PALO ALTO WAY  
MENLO PARK, CALIFORNIA 94025  
(415) 854-6882

## JURISDICTIONAL STATEMENT

Report of opinion delivered in courts below is not by the writer known to exist outside the files of those courts and the parties.

The proceeding here involves a judgment, purported, of the Superior Court of California, in and for the County of San Mateo, in an action #209,483 filed February 23, 1977 by Frederick E. Alzofon and Norma Alzofon, former spouses.

As to the statute pursuant to which the aforesaid action was brought, I know of no authority for holding me, a woman and person of majority gender, in judgment without my consent, not given, by a male attorney appointee of judges whose court at all times since its founding in 1880 has been comprised of persons of male gender exclusively and who with others have concerted to deny women, and the writer hereof specifically, without due process of law and equal protection of the laws guaranteed by the United States Constitution, equal access to the office and consideration of federal claims and filing of an Answer to a complaint upon her non-contribution to the judges' retirement fund.

Appeal to the State Court of Appeal as a right from judgments of the Superior Court generally, ostensibly appears to exist by California Constitution, Article VI, Section 11 and California Code of Civil Procedure, Section 904.1. The State, however, practices to the contrary in the court of appeal's dismissing appeals without hearing, relief, or statement of reasons, without relief therefrom being available on application to the California Supreme Court. Further, the character of the Superior Court above described refutive of jurisdiction of the court and recusive of its judges and attorney acting is applicable no less to the state court of appeal and its judges participating herein.

The nature of the proceeding as between the parties and subject of controversy is as follows, in brief:

Some years ago, Frederick E. Alzofon induced his wife, Norma Alzofon, at the time for over a decade and at all times since a resident of California to make a trip to Texas solely that he might divorce her. At the time she was ill, without independent resources, and relying upon her husband in matters of law as well as financially. She was

on this occasion uninformed in the law and unrepresented by attorney. Dr. Alzofon induced the participation of Norma Alzofon by having her sign a paper asserting facts and claims in her interest with expectancy that the paper would be put in the record before the Texas court judge. Dr. Alzofon then withheld the paper she signed from the Texas Court to secure his own advantage to her injury in the court's determination of court process and property distribution.

The principal real property subject of the Texas court decree is related to the superior court of California action #209,483 here in that Frederick E. Alzofon seeks thereby to facilitate enforcement of the fraudently-procured Texas court property distribution decree against his former wife, in order to add to his assets half the value of her home at her expense. She joined in the California superior court action only because she believed that otherwise she would be rendered homeless.

Fraud in the style of the moving plaintiff has continued. He charges, and an attorney adjudicator at the instance of his attorneys has judged, that recording of a notice with the county recorder of any interest I might have in property by a will to which the decedent was in his lifetime related, effects cancelling of the document and \$4860 liability against me! The complaint does not state, and evidence in the record does not show, any facts in the recorded page subscribed by me to be false, let alone knowingly false or fraudulent, or other than privileged. --Nor refuting inequity and unclean hands in Frederick E. Alzofon in instigating the California superior court action.

The judgments and decrees of which I ask Supreme Court review are the following: 1. Of the Superior Court of California in and for the County of San Mateo, filed and entered in action #209,483 on August 17, 1977 and registered on August 18, 1977; 2. Of the California Court of Appeal, First Appellate District, in its files #42,794 and #4315 Misc., filed and entered June 7, 1978 dismissing without hearing or opinion my appeal from the foregoing superior court judgment; and 3. Of the California Supreme Court, within the numbers of the Court of Appeal, filed and entered August 3, 1978 without opinion denying hearing.

Rehearing is inapplicable in California Supreme Court where hearing is denied.

I filed Notice of Appeal to the State Court of Appeal, and also to the Supreme Court of California and to the Supreme Court of the United States of Mid North America--to the latter two courts effective contingently, in the Superior Court of California in and for the County of San Mateo on October 14, 1977. I filed Notice of Appeal to the Supreme Court of the United States on October 20, 1978 in the same superior court and in the State Court of Appeal, First Appellate District, and was refused its filing in the California Supreme Court.

Copies of the two notices of appeal, superior court judgment, and appellate court orders just referred to are appended hereto, and adopted here by this reference for consideration on all parts of this jurisdictional statement.

On October 21, 1978 I sought extension of time within which to file the jurisdictional statement by communication to the Clerk of the Supreme Court. On Friday, October 27, 1978 the Clerk's Office informed me that my application had been received but decision not come down. At this writing I have yet to receive written response but on my call on October 28, the Clerk's Office informed me that the application for extension of time was denied. If receipt of this paper timely requires a brief extension, I renew my request on the basis of facts not available at the time of my original request for extension, and different ground.

Statutes believed to confer jurisdiction on the Supreme Court of this appeal are 28 United States Code, Sections 1257(2) and (3), 2101(c), and 2106. I ask the Supreme Court to take jurisdiction on appeal and, unless appeal is recognized, then to issue a writ of certiorari on the same papers, supplemented as the Supreme Court may instruct.

Cases Believed to Sustain the Jurisdiction

The following cases alone or in combination, on points made directly or by analogy in some respect in reasoning on points made, are believed to sustain the jurisdiction of the Supreme Court here.

Hovey v. Elliott (1897) 167 US 409 at 413-419 and 446-447

Hulett v. Julian (1966) 250 F Supp 208

Harper v. Virginia Board of Elections (1966) 383 US 663 at 664, 666, 668

Harmann v. Forssenius (1965) 380 US 528

South Carolina v. Katzenbach (1966) 383 US 301

Ex parte Garland (1866) 71 US (4 Wallace) 333 at 377 and 379-380

Cummings v. State of Missouri (1866) 71 US (4 Wallace) 277 at 316-332

Shelley v. Kramer (1948) 334 US 1

Oliphant v. Suquamish Indian Tribe (1978) 435 US 191

Memphis Gas and Water Division v. Craft (May 1, 1978) <sup>US</sup> 98 S Ct 1554, 56 L Ed2d 30, 46 US Law Week 1167-1168 and 4398-4406.

Bachman v. Pertschuk (USD Ct, D. of Columbia 1977) 46 US LW 2189-2190

American Motor Sales Corp. v. New Motor Vehicle Board (1977) 69 CA3d 983

Virginia Electric & Power Co. v. Sun Shipbuilding and Dry Dock Co. (1976) 69 FRD 395

Serrano v. Priest (1977) 20 C3d 25

Parr v. Municipal Court (1971) 3 C3d 861

Isbell v. County of Sonoma (1978) 21 C3d 61, 21 C3d 561

Green v. Layton (1975) 14 C3d 922 at 928

In re Jose S. (1978) 78 CA3d 619

People v. Flores (1976) 62 CA3d Supp 19-29

Aaron v. Municipal Court (1977) 73 CA3d 596

Heard v. Moore (1926) 290 SW 15, with annotations at 50 ALR 1152

Flynt v. Leis (CA 6, April 12, 1978) 46 US Law Week 2564

McLellan v. Mississippi Power & Light Co. (CA 5 1976) 545 F2d 919

McKelton v. Bruno (CA D/C 1970) 428 F2d 718

Christian v. US (CA 8 1978) 404 F2d 328

Carter v. Thomas (CA 5 1976) 527 F2d 1332

People v. McLowell (1977) 74 CA3d 1

Williams v. Hickson (1968) 394 F2d 627

Davis v. Clark (1968) 405 F2d 1357

Christofferson v. Washington (1969) 393 US 190



## State Statutes Whose Validity Is Involved

State statutes whose validity is saliently involved are:

### Calif. Const., Article VI, Section 15--Judges Eligibility

A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, the person has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the Chief Justice to serve on any court.

### California Government Code, Division 2, County Clerk--Fees

#### Section 26,822.3 Additional Fee; Payment Into Judges Retirement Fund

In addition to, and at the same time, as fees are collected pursuant to Sections 26,821, 26,821.2, 26,826, 26,826.2, 26,827, and 26,827.2, a fee of three dollars (\$3) shall be collected.

The funds shall be transmitted at the end of each month to the State Controller for payment into the Judges' Retirement Fund

(Added by Stats. 1969, c. 1499, p. 3068, §1. Amended by Stats. 1970, c. 480, p. 951, §3; Stats. 1971, c. 1290, p. 2528, §1.)

#### Section 26,826 Filing First Paper on Behalf of Defendant and Others

Upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is ten dollars (\$10).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

(Added by Stats. 1947, c. 424, p. 1147, §1, as amended Stats. 1949, 1953, 1957, Stats. 1966, 1st Ex. Sess.; Stats. 1974, Stats. 1975, c. 766, p. \_\_, §9.)

#### Section 70,053 Additional Filing Fees; . .

In addition to fees required by other laws, each party shall, or the parties appearing jointly shall jointly, pay the county clerk of the county the fee specified in Sections 70054 to 70059, inclusive, in each of the following instances:

(a) Where Section 26821 requires the party or parties to pay the clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, require the party or parties to pay the clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court. This subdivision does not apply to a county with a population does not apply to a county with a population of 70,000 or less by the 1940 census, or over 295,000 and under 500,000 by the 1950 census.

#### Section 70,055.2 Additional Filing Fees; Amount; San Mateo County

In a county with a population of 500,000 or more and under 557,000, as determined by the 1970 federal census, the fee required by Section 70,053 shall be eleven dollars and fifty cents (\$11.50).

(Added by Stats. 1963, c. 2085, p. 4350, §2. Am. by Stats. 1974, c. 302, p. 575, §1.)

Validity of the custom of the courts involved to refuse regular process to persons not contributing to the judges' retirement fund is also involved.

## Questions Presented By the Appeal

Consistently with the United States Constitution, in particular Article VI, Clause 2, and Amendments I, V, IX, XIII, and XIV, in all provisions of Section 1, read with competent state law,<sup>1</sup> should the superior court judgment and/or other decrees of which I seek review be reversed on the face of the record, and summarily, or otherwise, where

1. The judgment voids a county recorded declaration pursuant to a will by a person named in the will, as to which the plaintiffs prevailing in the judgment assert no facts showing fraud or malice by defendant or by the decedent, no executor or administrator of the estate is made a party, and no decree of probate court is alleged or sought by plaintiffs, and grants plaintiffs \$4860 at the expense of defendant?<sup>2</sup>

2. The superior court judgment was rendered without notice to defendant and in her absence at a hearing presided over by an attorney appointed by other judges to act on stipulation of parties, which attorney had before him form for stipulation absent any signature of the defendant or of advocate for plaintiff?

3. The superior court judgment was rendered following order of the Superior Court affirmatively disrespecting my filed Disclaimer of Jurisdiction: Declaration/Plea, United States Constitution Claims, and purporting to overrule it treated as a demurrer--which it was not in either title or substance, and--in context of state statutes--conditioning the filing of an Answer from defendant upon a contribution to the judge's retirement fund without his considering United States Constitution claims in bar of jurisdiction of his court in the circumstances urged in my filed Disclaimer?

4. Where the Superior Court, State Court of Appeal, and California Supreme Court judges act in concert and conspiracy under color of state law and authority to refuse a defendant opportunity to have adjudication in state courts without payment of fees inuring to the judges' retirement fund and for a certified transcript at exorbitant charge, and cause

<sup>1</sup>The following state laws may be considered: California Constitution, Article I, Article II, Section 1, Article VI, Sections 17 and 21, Article XX, Section 3; California Civil Code, Section 47; California of Civil Procedure, Sections 187, 473, 170, 170.8, and 904.1; California Government Code, Sections 1090, 87100, and 87,103; and California Rules of Court, Rules 12 and 982.

<sup>2</sup>See Rest. of Torts, Div. 6, Section 647 at page 365, 31 Cal Jur2d 8289, and Southcott v. Pioneer Title Co. (1962) 203 CA2d 673, 676, 21 CRP. 917.



defendant-appellant burden and expense and harassment in sequence of detrusive orders without intelligible response to her claims and the facts of the case?

5. The judgment is unsupported by competent evidence probative for the judgment rendered?

6. The effect of the superior court judgment is to effect a Texas court judgment founded on the fraud of one of the plaintiffs in relation to the property and person of a resident of the State of California at the time?

7. The judges of the California courts involved on timely notice and declaration of facts from defendant failed and refused to recuse themselves or deal with recusal in the manner provided by statutes?

8. Dismissal of defendant's appeal as of right was unaccompanied by a statement of reasons supported by substantial evidence in the record and law, or any opinion whatsoever?

9. Defendant-appellant is a woman, a person of majority by gender, and the judgment is of a court 98 years old, presently of 14 judges, all of whose judges from origin of the court have been persons of male gender, generally appointed, and always if appointed by a person of the same gender, and within recent decades at least always from a class restricted to those with durational license of five or ten years, conditions for which license include a political oath-declaration and examinations for which defendant-appellant here was over ten years ago on claim of those acting of right to exclude her on the grounds of gender, refused admission to examination and also adjudication on the merits of the matter in state courts?

10. Intermediate order of the superior court was rendered at hearing at which notice required by Local Rule VII for hearing on her Disclaimer was not given or mailed to defendant?

Facts Material to a Consideration of the Questions Presented

In response to a complaint filed in the Superior Court of San Mateo County, action #209,483), the only paper which I might under state law file without making a contribution to the judge's retirement fund, was a disclaimer. I filed such a paper, titled

\* In Special Appearance Only \*  
DISCLAIMER  
Of Jurisdiction: Declaration/Plea  
United States Constitution Claims,

wherein I invoked the invalidity of designated statutes with reference to the United States Constitution. My federal claims appear on pages 1, 2, 10, 11, and 14. The response of the superior court, by William Lanam, was to expressly ignore the federal claims and challenge to jurisdiction and declare the paper a demurrer, and at a hearing not meeting the requirements of notice to the moving party by Local Rule VII, to summarily overrule it. Quoting from the one page paper prepared by Melbert B. Adams, attorney then for both plaintiffs:

"... in response to the document filed herein... entitled 'Disclaimer' the Court is of the opinion that said document is of no legal effect. IT IS THEREFORE ORDERED that said Disclaimer insofar as it may be deemed to be a general demurrer to the complaint is hereby overruled and twenty days allowed to the defendant from May 4, 1977, to file her answer herein."

The Clerk of the Superior Court refused to file an Answer from me unless I paid a fee, a portion of which is by statute specified for the judges retirement fund of which William Lanam is among the beneficiaries, and, later, to provide a 44-pages record on appeal for less than \$55, or, if I after preparing the designated record with commercial duplication for \$2.76 with covers, to certify it for less than \$42.25.

Judgment was entered against me without notice of hearing to me by an attorney not judge, in my absence, and in the face of a form for stipulation filed which showed the absence of stipulation by me or by anyone advocating for me. Neither the clerk nor any plaintiff noticed entry of judgment to me. The judgment, purported, ostensibly voids a portion of a declaration I recorded and holds me liable for \$4860 to plaintiffs.

I timely and otherwise duly filed Notice of Appeal from the afore-said purported judgment of the superior court and took all steps necessary and appropriate in the facts and circumstances consistently with

the United States Constitution to perfect and prosecute my appeal. The Court of Appeal and Supreme Court of California failed and refused to process my appeal regularly, to grant hearing, to render opinion, and/or to decree any relief. Instead they harassed me with demands for repetitive papers to which they refused intelligent response and dismissed my appeal without statement of reason and arbitrarily.

My papers all invoked the United States Constitution and federal claims, usually on page 1. These include Application for Appeal Without Court Fees filed Nov. 2, 1977, Petition for "Rehearing" filed Dec. 5, 1977, Petition for Hearing filed Dec. 16, 1977, a second Application for Appeal Without Court Fees and Motion to Vacate Order filed Jan. 27, 1978, Petition for "Rehearing" filed Feb. 17, 1978, Petition for Hearing filed March 10, 1978, Motion to Vacate Submission of Motion to Dismiss Appeal filed May 1, 1978 (on page 2), Opposition to Motion to Dismiss Appeal filed May 22, 1978, (on pages 5 and 6), and Petition for Hearing filed July 17, 1978. The appellate courts, like the superior court, ignored my federal claims.

#### Federal Questions Substantiality

The manifest disrespect of equal protection of the laws, due process of law, and regularity, as well of my federal claims timely and duly asserted, shows such flagrant abnegation of the responsibilities of the State here pursuant to the United States Constitution that it would reflect on the Supreme Court were I to urge authorities for the violation of the law of the land or argue that rule of law may not prevail were such disrespect allowed to pass.

I ask the United States Supreme Court to recognize jurisdiction of this appeal, and unless jurisdiction is noted by appeal, then to grant certiorari on these papers, and to permit appellant to remedy any inadvertence in sufficiency.

*Nancy Jewell Cross*  
Nancy Jewell Cross

Appendix follows.

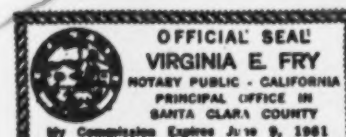
MOTION AND AFFIDAVIT TO PROCEED PURSUANT TO **RECEIVED**  
28 U.S.C. §1915 AND SUPREME COURT RULE 53 NOV 1 1978  
AND VERIFICATION OF JURISDICTIONAL STATEMENT OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Nancy Jewell Cross moves the Supreme Court to file the Jurisdictional Statement herewith and allow her to proceed without payment of docket fee and costs and upon typewritten records and papers.

In support of this motion I respectfully allege:

1. I am unable to pay fees for filing or docketing, printing of records and papers, and/or to give security therefor and for costs;
2. I present my Jurisdictional Statement in good faith and belief that I am entitled to redress.
3. The nature of the appeal is: I seek to effect guarantees to me of rights, privileges, and immunities by the United States Constitution by Article I, Section 10, Article VI, Clause 2, and Amendments I, V, IX, XIII, and XIV, and United States Code, Title 42, Sections 1981, 1982, 1983, 1985, 1986, 1988, and 1994 in relation to a civil action in the Superior Court of California in and for the County of San Mateo in which I am the defendant. In particular I want my U.S. Constitution claims asserted in bar of jurisdiction considered on the merits and to have opportunity to file an Answer without for either being obliged to contribute to the judge's retirement fund, and to have proceedings and judgment by an impartial court and person meeting requirements of constitutions, and not an attorney acting against me in my absence without notice of hearing and without my agreement. I seek to have declared state laws, rules, and/or customs inconsistent with what I otherwise ask, to be declared unconstitutional and enjoined in enforcement, and for other related relief appropriate for due process of law and the just disposition of superior court action in its entire context.
4. I adopt my Jurisdictional Statement for further statement of the nature of the appeal.
5. I declare that statements of fact in my Jurisdictional Statement and here which pertain to what is reasonably within my own personal knowledge are true, and the other statements of fact I believe to be true.

STATE OF CALIFORNIA :  
COUNTY OF SANTA CLARA : ss.



*Nancy Jewell Cross*  
Nancy Jewell Cross

Subscribed and sworn to before  
me this 28th day of October 1978



REGISTERED  
AUG 18 1977

FILED

AUG 17 1977

MARVIN CHURCH, County Clerk

*[Signature]*  
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

FREDERICK E. ALZOFON and  
NORMA ALZOFON,  
  
Plaintiffs,  
  
vs.  
  
NANCY JEWELL CROSS,  
  
Defendant.

NO. 209 483

JUDGMENT

The defendant, NANCY JEWELL CROSS, having been regularly served with summons and copy of the complaint, having failed to appear and answer to the complaint within the time allowed by law, and the default of the said defendant having been duly entered, upon application of Plaintiffs to the Court, plaintiff FREDERICK E. ALZOFON being represented by the law offices of FREDERICK A. CONE, and plaintiff NORMA ALZOFON being represented by attorney MELBERT B. ADAMS, after having heard the testimony and considered the evidence, the Court orders that the following judgment be

Endorsement:

Notice of entry was neither mailed by the clerk nor served by a party.

IN OFFICE  
MELBERT B. ADAMS

entered:

IT IS ORDERED AND ADJUDGED that:

1. At the time of the commencement of this action, title to the parcel of real property hereinafter described, situated in the County of San Mateo, State of California, was, and now is, vested in FREDERICK E. ALZOFON and NORMA ALZOFON, as owners in fee simple absolute. Said real property is described as follows:

Lot 18 in Block 7 as shown on that certain map entitled "MAP OF UNIVERSITY PARK, SAN MATEO CO. CAL.", filed in the office of the County Recorder of San Mateo County, State of California on August 6, 1906 in Book "B" of Original Maps at page 21 and copied into Book 4 of Maps at page 28.

2. Defendant NANCY JEWELL CROSS has no estate, right, title, lien or interest whatsoever in or to said property, or any part thereof.

3. Said title of said FREDERICK E. ALZOFON and NORMA ALZOFON to said real property and to each and every part thereof, be and the same is hereby forever quieted against any and all claims of said NANCY JEWELL CROSS, and said NANCY JEWELL CROSS is perpetually enjoined and restrained from setting up or making any claim to or upon the real property above described, or any part thereof.

4. The document entitled "Notice of Interest in Real Property", recorded on October 10, 1969, by defendant NANCY JEWELL

IN OFFICE  
MELBERT B. ADAMS



10011363

01.46.1

ENT. AUG 17 1977

BY OFFICE  
JURY & ADAMS

CROSS at Volume 5700, page 386, of Official Records of San Mateo County, is void insofar as it affects the above described property, and it is ordered canceled and of no force or effect with respect to said property:

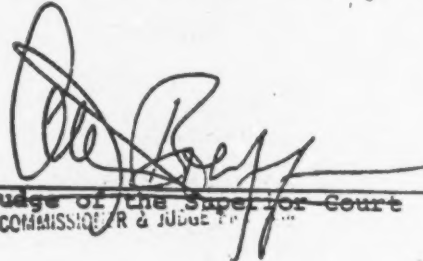
5. The recording of said Notice of Interest in Real Property constituted a slander of plaintiffs' title, interfered with the salability thereof and caused plaintiffs to incur legal expense to remove the cloud on plaintiffs' title so resulting, to the damage of the respective plaintiffs.

6. IT IS ORDERED that each of said plaintiffs have and recover from said defendant the amount of compensatory and exemplary damages set forth after his name:

	FREDERICK E. ALZOFON, compensatory damages	\$ 360.00
AB	FREDERICK E. ALZOFON, exemplary damages	\$ 1,000.00
	NORMA ALZOFON, compensatory damages	\$ 2,500.00
	NORMA ALZOFON, exemplary damages	\$ 1,000.00

7. IT IS FURTHER ORDERED that plaintiffs have and recover from said defendant their costs of suit incurred herein.

Dated: August 17, 1977.

  
Judge of the Superior Court  
COMMISSIONER & JUDGE

# Court of Appeal of the State of California

IN AND FOR THE

## First Appellate District

Division TWO

Frederick E. Alzofon, et al.,  
Plaintiffs and Respondents,  
vs.  
Nancy Jewell Cross,  
Defendant and Appellant.

No. 42794

BY THE COURT:

The motion to dismiss appeal is granted and the appeal herein is ordered dismissed.

FILED  
Jun 7 1978  
Court of Appeal-First App. Dist.  
Clifford C. Porter, Clerk  
By Deputy

Dated JUN - 7 1978

TAYLOR, P. J. P.J.

ORDER DUE-  
August 4, 1978

**ORDER DENYING HEARING**

AFTER JUDGMENT BY THE COURT OF APPEAL

1st District, Division 2, Civil No. 42794

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA  
IN BANK

ALZOFON ET AL.

v.

CROSS

SUPREME COURT

**FILED**

AUG 31 1978

G.E. BISHOP, Clerk

Appellant's petition

for hearing DENIED.

*Bird*

Chief Justice

Nancy Jewell Cross  
A People's Advocate  
1902 Palo Alto Way  
Menlo Park, California 94025  
415-854-6882

(ENDORSED)  
**FILED**

OCT 20 1978

MARVIN CHURCH, County Clerk  
RITA NEWMAN  
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO  
IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT, DIVISION TWO  
IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

FREDERICK E. ALZOFON and  
NORMA ALZOFON,  
Plaintiffs and Appellees,

v.

NANCY JEWELL CROSS,  
Defendant and Appellant.

NOTICE OF APPEAL

TO THE

SUPREME COURT OF

THE UNITED STATES

Nancy Jewell Cross, for herself and all persons like interested, herewith appeals to the Supreme Court of the United States pursuant to 28 United States Code, Sections 1257(2) and (3), 2101(c), and 2106 from judgment of the Superior Court of California in and for the County of San Mateo filed and entered on August 17, 1977, and registered on August 18, 1977 (#209,483), from judgment order of the Court of Appeal above entitled dismissing my appeal from the foregoing superior court judgment, filed and entered June 7, 1978 (#42,794 and #4315 Misc.), and from judgment order of the California Supreme Court denying my petition for hearing, filed and entered August 3, 1978.

October 20, 1978

*Nancy Jewell Cross*  
Nancy Jewell Cross

CERTIFICATE OF SERVICE

I, Nancy Jewell Cross, declare and certify: All parties required to be served have been served with the foregoing Notice of Appeal to the Supreme Court of the United States, and such service was effected pursuant to Rule 33, paragraphs 1 and 3(c) of the Rules of the Supreme Court of the United States, as follows:

On October 20, 1978 I put a copy of the Notice of Appeal aforesaid in each of two envelopes addressed as follows:

Melbert B. Adams 11th floor, Palo Alto Office Bldg. 525 University Avenue Palo Alto, California 94301	Frederick A. Cone 582 Market Street, Suite 500 San Francisco, CA 94104
--	--

and deposited the two envelopes, sealed and with first class postage prepaid in United States mail at, as checked, in California  
San Francisco   Palo Alto   Stanford   Menlo Park   ✓ Redwood City.

Under penalty of perjury for any perjury herein I declare that the foregoing statement is true.

Subscribed on October 20, 1978  
at, as checked, in California  
San Francisco   Palo Alto  
Stanford   Menlo Park  
✓ Redwood City

*Nancy Jewell Cross*  
Nancy Jewell Cross

(ENDORSED)

**FILED**  
OCT 14 1977

MARVIN CHURCH, County Clerk  
By BARBARA FERREIRA  
DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

FREDERICK E. ALZOFON and  
NORMA ALZOFON,  
Plaintiffs and Appellees,  
v.  
NANCY JEWELL CROSS,  
Defendant and Appellant.

#209,483

\* In Special Appearance Only \*

NOTICE OF APPEAL,  
REQUEST FOR RECORD,  
AND DECLARATION  
OPPOSING FEE

Nancy Jewell Cross, specially only appearing in this action, as particularly set forth in Disclaimer filed April 8, 1977, adopted here by this reference, hereby appeals from the judgment, purported, of the Superior Court of San Mateo County filed in this action and on August 17, 1977 entered in Judgment Book 464 at page 1961.

I appeal to the State Court of Appeal, First Appellate District, to the Supreme Court of California, and to the Supreme Court of the United States of Mid North America; provided, however, that the appeal to each of the higher two courts shall



1 not be effective and processed from this notice unless and until  
2 the court below has directly or indirectly refused hearing and  
3 decision on the merits of the appeal without payment of a fee or  
4 fees.

5 I request for the appeal a record including my Disclaimer  
6 filed April 8, 1977, court order filed May 6, 1977, copy of my  
7 letter including exhibits to Chief Justice Rose Bird, dated May  
8 20, 1977, in the Superior Court file and served upon counsel for  
9 plaintiffs, the Judgment, purported, this Notice, and whatever  
10 papers I may, hereafter, file in or submit to the Superior Court  
11 or other court in this action.

12 There are several good reasons why the Notice of Appeal is  
13 filed without payment of fifty dollars (\$50).

14 1. The purported judgment was signed by an appointee of attor-  
15 nies for plaintiffs only, and without any order subsequent by a  
16 judge. The California Constitution provides, in Article VI,

17 "Section 21. On stipulation of the parties litigant the  
18 court may order a cause to be tried by a temporary judge  
19 who is a member of the State Bar, sworn and empowered to  
20 act until final determination of the cause."

21 The California Constitution is mandatory and prohibitory.  
22 (Article I, Section 28.) There is no stipulation as to the  
23 person who signed the purported Judgment, and there is no order  
24 "on stipulation" (emphasis added) by "the court". I am entitled  
25 to no less.

26 2. I invoke United States Constitution, Article VI, Section 2,  
27 and Amendments I, V, IX, XIII, and XIV, and California Constitu-  
28 tion, Article I, Article III, Section 3, and Article VI, Section  
21, and claim invalidity of state statutes particularized in my

1 Disclaimer, above mentioned, with reference to the United States  
2 Constitution.

3 3. I further claim, declare, and argue as shown in and adopted  
4 here by this reference from my Disclaimer and my letter to Chief  
5 Justice Rose Bird, dated May 20, 1977, a copy of which follows and  
6 is made a part hereof by this reference. Exhibit I.

7 4. The State may not validly condition the filing of a defense  
8 to an action upon payment of a fee. It follows that the State  
9 may not condition appeal from a judgment entered without due  
10 process for lack of opportunity to file an answer without payment  
11 of a fee, without payment of a fee. See provisions of the  
12 constitutions cited.

13 5. The judges of the appellate courts of California personally  
14 profit in the volume of filings in the Superior Courts and appel-  
15 late courts by fees paid for filing insuring to their retirement  
16 fund directly or indirectly by the Legislature's appropriation  
17 in lieu. The Judges' Retirement Law is tested in this action,  
18 and it would be improper to require a contribution from a defend-  
19 ant challenging the law in order to effect adjudication.

20 6. I am defendant in the action, with a good defense, and have  
21 in violation of my rights, privileges, and immunities by the  
22 United States Constitution been precluded by the State from  
23 asserting it before judgment against me. Unjust enrichment to  
24 the State would occur if I were required to pay a fee to correct  
25 the State's failure to accord me due process of law and equal  
26 protection of the laws in the very processes of the courts.  
27 The same conclusion arises from the deprivation to me appearing  
28 on the face of the Superior Court record, of consideration of my

Rose Bird, Chief Justice of California  
Chairperson of the Judicial Council  
Supreme Court  
State Building  
350 McAllister  
Civic Center  
San Francisco 94102

EXHIBIT I

Dear Chief Justice Bird:

May it please you to give attention to a situation in San Mateo County Superior Court in which you may find it appropriate to provide a special judge to hear and determine a civil suit in which the jurisdiction of the superior court has been disclaimed on ground, among others, that all superior court judges are financially interested with the attorney representing only one side, in generating litigation through compulsion upon the undersigned, defendant in the action, to contribute to the judges' retirement fund in order to demur or answer the complaint. (Government Code, Section 26,822.3)

Faalty to constitutions is of the essence in regularity of courts. California Constitution, Article III, Section 1; United States Constitution, Article VI, Section 2; and Canons of Judicial Ethics of the Conference of California Judges, Canon 3. This, of course, forbids partiality in operation of courts as between advocates of oppositely-placed parties in a suit, individually and by classifications "attorney" and "non-attorney", distinguished not by interests, knowledge of the law, or service to the public, but by prior oath or declaration to promote the judiciary and like-bound guild members, and, in return, to be supported by the judiciary in collecting fees for services connected with advocacy in courts.

In Alzofon v. Cross, San Mateo County Superior Court #209,483, the situation for constitutional result indispenibly requires participation of yourself, and the sooner the participation the truer conformity with constitutions and the less the expense in judicial time and attention of the courts as a whole.

The superior court's presiding judge has endeavored to overcome objections to jurisdiction by ex parte agreement between himself and attorney for plaintiffs to ignore my constitutional claims embarrassing a relationship profitable to the judge and attorney at the expense of defendant and the people generally. Gross irregularities have occurred and effected William Lanam entirely disqualified to proceed.

Without so much as a court setting of hearing required in the absence of notice by the defendant whose paper is involved (by Local Rule VII, Section A\* and California Rules of Court, Rule 202 if a demurrer had been involved), and without any verified declaration traversing the verified Disclaimer and/or any memorandum of reasoned opposition with authorities cited from plaintiffs' attorney, William Lanam without any opinion or legal reasoning and authorities in order, opined that my Disclaimer bearing constitutional claims "is of no

NANCY JEWELL CROSS  
1002 PALO ALTO WAY  
MENLO PARK, CALIFORNIA 94025  
(415) 321-6802

duly and timely raised claims by the United States Constitution against jurisdiction of the Superior Court. Further,  
7. My money assets do not exceed what is required for health and productivity for subsistence. This does not permit a car, purchase of a TV or stereo set, subscription to any newspaper or magazine, or \$50 docket or other court process fees on top of the expense of advocacy otherwise required to secure the benefits of United States Constitution and California Constitution. The only form in the Superior Court for proceeding without fee is one for adjudicating marital disputes. In application it fails to include any standards necessary by the 14th Amendment and violates my rights--including privacy and showing of a compelling state interest, privileges, and immunities by the United States Constitution and California Constitution. See provisions cited, and court form for financial declaration following. Exhibit II.

I certify under penalty of perjury for any perjury herein that the foregoing statement(s) are true and correct.

October 14, 1977  
At Redwood City, California

*Nancy Jewell Cross*  
Nancy Jewell Cross



legal effect. Discrimination is specifically recognized in California Government Code, Section 26,826, and due process of law and equal protection of the laws by the Fourteenth Amendment to the United States Constitution and Article I of the California Constitution oblige the State to regularly process and determine on the merits my timely-raised constitutional claims in a court competent as to the parties as represented. Contrary to this, William Lanam and Melbert B. Adams, declaration bound to guild excluding me contrive to threaten me in the name of the State of California with default judgment unless with my constitutional claims in objection unconsidered, I contribute to the judge's retirement fund! A child's game in fantasy, or a court?

Is this barratry and champerty, or invitation to bribe, or extortion? Increased court filings and contest of plaintiffs' complaints enrich the judges without reference to work they do--since the Judicial Council effects dispersal of judicial services with reference to court need, and promote demand and higher prices paid for attorneys' services. Pecuniary profit of judges and attorney in court filings and contests also favors judges and attorneys deciding as little and being as unreasoning and inefficient as possible for anyone but themselves--by, for example, minimizing class action consideration and avoiding wholistic, simple, speedy, and adequate solutions of controversies. The more the legal commotion, feelings of injustice, and general pandemonium about matters of law, the more the opportunities for superior court judges to advance themselves financially and because the Judicial Council will recommend more judges with more filings, to move up in court status and to pave the way for attorneys junior to them assisting to take their places on the public payroll!

The set-up can be considered in its relation of interference with justice in the particular case. I have a good and sufficient defense to the action, and grounds for demurrer thereto, but William Lanam refuses to receive and consider these unless I waive my constitutional rights and contribute to his retirement fund and opportunities to advance to a higher court. Fred and Norma Alzofon are denied efficient adjudication in a constitutionally-sound forum of complaint induced by Melbert B. Adams declaration-bound to the judge, to convenience a contract tainted by Fred Alzofon's inducing Norma Alzofon without resources, relying on her husband as fiduciary, enduringly ill, and unrepresented by attorney, to Texas to divorce her!

The Governor and county supervisors generally are distressed by the ever-increasing proportion of the people's resources demanded for operation of the courts through taxes and fees for judges, attorneys, and their retinues. One may imagine that decisions of judges and attorneys would be more adequate wholistically, and that filings in courts would not increase if nothing paid by attorneys' clients in suit favored judges financially or if the judges' salaries or retirement fund decreased with any increase in the number of filings per thousand persons!

May it please you, Chief Justice Bird, and Judge Lanam, to whom and also Melbert B. Adams copies of this letter were mailed, to confer on this matter for the purpose of efficiently effecting constitutional forum!

Adopted here are  
Exhibits A - G following:  
A-Disclaimer, B-Order, C-  
Notice, D-Zolin Warns . . .  
E-Panel OKs . . . F-National  
Survey . . . and G-Bench &  
Bar Meeting . . . May 19, 1977.

Sincerely, *Nancy Jewell Cross*

**\* RULE VII LAW AND MOTION DEPARTMENT**

Section A. The clerk shall notify the attorney of record by mail of the day and hour set for hearing of a law and motion matter where the filed moving papers do not fix a date and hour for hearing in accordance with the California Rules of Court and the rules of this court. The Presiding Judge may from time to time reset law and motion matters so as to avoid undue calendar congestion, and the clerk shall promptly notify the attorneys of record by mail of the day and hour reset.

EXHIBIT A

DR. NANCY JEWELL CROSS

1902 PALO ALTO WAY  
MENLO PARK, CALIFORNIA 94025  
(415) 354-8892

Endorsed  
FILED

Apr 8 1977

Marvin Church, County Clerk  
By Lorraine L. Moura  
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO

FREDERICK E. ALZOFON and  
NORMA ALZOFON,  
Plaintiffs,  
v.

#209,483

\* In Special Appearance Only \*

NANCY JEWELL CROSS,  
Defendant.

DISCLAIMER

Of Jurisdiction: Declaration/Plea  
United States Constitution Claims

Come now I, Nancy Jewell Cross, specially only appearing, to declare and under caveat of summons to plead to the extent of the Fourteenth Amendment and other law herein invoked within special appearance that the above-named forum lacks jurisdiction to render judgment for reason, among others, that it has in law no jurisdiction over me. Any judgment or act by said forum would be void in its premises jurisdictionally, and, in my view, not sooner than the highest court of the land has considered and decided the merits of my claims should anyone respecting the United States Constitution respect any judgment of the above-named forum contrary to my interests short of violence or threat of violence to enforce it.

It is anticipated that a person carefully considering the presentation following will find this disclaimer of jurisdiction meritorious.



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### I. Jurisdiction Analysis Introduction

Jurisdiction is of the essence in valid judgment: a judgment is void which is without jurisdiction. Question of jurisdiction is cognizable at any time; it is most appropriately raised, as here, at the inception of a controversy. Possibilities for defect in jurisdiction are numerous. Two general category areas are subject matter jurisdiction and jurisdiction over the person. Jurisdiction over the person, with which we are here concerned, is most fundamental of all.

In federal courts the plaintiff must in the first paragraph of the complaint make a prima facie case of jurisdiction in terms of specific federal statutes and the United States Constitution. Claim of jurisdiction can, of course, be controverted; and the judge's first task is, with or without motion, to determine whether in her or his view jurisdiction exists and to dismiss the complaint if she or he finds jurisdiction absent.

In state courts, neither statute nor court rule requires the plaintiff to plead jurisdictional facts and law in the complaint. Omission of these secondary sources of law, however, to make the requirement generally, does not confer jurisdiction specifically nor pretermitt the obligation of a judge unless the plaintiff can, upon challenge of jurisdiction, establish it to the record in all essential elements, to dismiss the complaint. Because the subject jurisdiction of state courts is very broad, for efficiency a person objecting to jurisdiction in state courts is fairly charged with asserting the claim, and with some particularity, albeit the burden of proof lies with the plaintiff to establish jurisdiction over objections raised.

Neither convention or convenience of a forum to assume jurisdiction upon application and payment of fee, nor consent or presumption of persons involved establishes a prescriptive "right to jurisdiction". The instant forum is a facet of government, and all government power, including jurisdiction, is limited to what the people validly grant--have granted and do grant.

"All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require."

California Constitution, Article I, Section 26.

"Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution.

"This declaration of rights may not be construed to impair or deny others retained by the people."

California Constitution, Article I, Section 24.

## II. Demographic Data and Definition

Approximately 21,000,000 people live in California.

About 14,000,000 of these are adults, and of these some 10,000,000 have registered to vote in a system in which options on the ballot for federal and state offices are limited to representatives of parties agreeable to representatives of two private parties comprising the Legislature and executive designating the judiciary of the State generally.

About 58,000 people have been licensed by previous licensees to act as attorneys agreeably to previous licensees who have become judges in processes excluding from consideration 99.7% of the population not so licensed and also all who have not been so licensed for at least five years, and for some positions, including those of Superior Court judge, ten years. (California Constitution, Article VI, Section 15. Note that this section was incorporated in the constitution as part of a whole article revision package, without opportunity of specific deletion. The Legislature refused to call the Constitutional Convention voted by the people on November 6, 1934.)

The State Constitution limits oaths, declarations, and tests which may be required as a qualification of public office or employment to oath or affirmance of fealty to the United States and California Constitutions. California Constitution, Article XX, Section 3. Note (1967) 68C2d 18. Subsequent enactment that all judges have been licensed as attorneys five or more years before not only denies access of the office to people on a basis not of their qualifications for the office

as distinguished from an occupation inconsistent with it by tests in the interests of licensees and not of the people, but introduces an oath forbidden by California Constitution, Article XX, Section 3, as a condition precedent for the public office of judge of the Superior Court, and other State courts. This means that I am being summoned by an attorney to a court comprised only of persons like oathed with him as attorneys, a class of persons which excludes me, and, further, has operated disparagingly to persons of my gender in pursuance of privileged ethnocentrism predatorily on the people. This does not impugn any individual licensee except insofar as she or he thinks that such licensees are entitled exclusively to determine and comprise the judiciary operating at the expense and in the name of the people in courts.

The oath of an attorney includes some unobjectionable-to-me pleasantries and concern for causes which are just, but these are not enforced or practically enforceable. The effective, and an objectionable feature of the attorney's oath is commitment to be fiduciary and obsequious to persons, previous licensees-made-judges, who in practicality can make or destroy the attorney's livelihood in a given community-- a commitment which pales and distances the unconflicted pursuance of the interests of self, clients, and the people in relation to constitutions and the law wholistically. The constitutions retreat; competition in sycophancy to those who have succeeded to authority by the same route replaces them. California Business and Professions Code, Sections 6067 and 6068. Compare and contrast California Consumer Affairs Act,

1 Section 301, with the State Bar Act, Sections 6001, 6031, and  
2 others, in California Business and Professions Code. It is  
3 to be noted that there is no option for licensees organiza-  
4 tionally, either on an individual basis or through a NLRB rep-  
5 resentation election.

6  
7 Should it be suggested that whatever may be said of attor-  
8 nies relative to appropriateness of composition of the judiciary  
9 of courts does not apply since judges of the Superior Court may  
10 not act as attorneys nor retain membership in the State Bar,  
11 the short and sufficient answer is: The brotherhood from once  
12 having been like oathed and licensed together and continued for  
13 ten years subject to disqualification and censure by those like  
14 oathed and licensed continues: unlike membership in the State  
15 Bar and being paid fees for advocacy, the oath and brotherhood  
16 have no termination date!

17 How many persons once so oathed as attorneys are State  
18 Court judges? As of April 1, 1977 there were 1160 authorized  
19 and 1010 filled positions in the municipal courts up. Of  
20 these, approximately half are Superior Court positions and  
21 judges: 538 authorized and 526 filled positions. State court  
22 judges are approximately 1/20,000, or .005% of the State's  
23 population. Rarely having a constituency by even the limited  
24 competition of the like-oathed for a judgeship, those who are  
25 made judge, by the fewness of their numbers in seeking undispu-  
26 ted power, to extend their numbers influentially if not precise-  
27 ly are more than ever inclined to emphasize the brotherhood vis-  
28 a-vis the people to curry the favor of persons who by daily

1 economic necessity are bond-bound to cater to the judge's  
2 desires, as distinguished from the law and constitutions, and  
3 who have control over tax funds and conveniences which the judge  
4 is enjoined from seeking directly. Judicial power so  
5 enmeshed by judges so sourced and circumstanced is, as will be  
6 further particularized, deflected thereby from equality of  
7 persons before the court and concern for the abstract proposi-  
8 tions of constitutions as distinguished from persons present in  
9 relative status for respect by the judge. Conflicts of inter-  
10 est--such as by the same attorney represent<sup>ing</sup> the judge and  
11 grand jury, prosecut<sup>ing</sup> non-attorneys before the court, and repre-  
12 sent<sup>ing</sup> the county board of supervisors who may provide judges with  
13 personal benefits as well as court facilities, and other county  
14 officers and school boards, who together are unusually likely  
15 to be involved in actions before the county's superior court--  
16 are interesting to superior court judges in the opportunities  
17 for their exercise of their desires efficiently. Those who  
18 would share in the power would certainly not file a claim of  
19 constitution on behalf of themselves or anyone else against it.

20  
21 The matter of compensation and benefits to superior court  
22 judges would seem to have been taken care of by statutes of the  
23 State: salary, paid in part by the State, part from the county,  
24 escalation of salary with the consumer price index, and gener-  
25 ous retirement benefits for self and family. But then the  
26 very same court which permits the supervisors to raise their  
27 own salaries during their term of office find it appropriate  
28 when they cannot respond to destitute of the county, to give  
the well-provided-for superior court judges additional benefits:



1 health care plan, including wife and progeny, care of teeth  
2 of the judge and judge's family, care of the eyes of the judge,  
3 straight life insurance, and a "survivor's policy". Exhibits  
4 A and B on pages 16 and 17 following are adopted here by this  
5 reference.

6  
7 Local attorneys' concern not to have competition from  
8 other persons, particularly out-of-county attorneys is well  
9 understood by the Superior Court judges who were once the local  
10 attorneys. They have a reputation for promoting attorneyism  
11 among people not<sup>attorney,</sup> directly and indirectly through their staffs,  
12 and of granting continuances without advance notice very abruptly  
13 upon application of local attorneys --For example, after an  
14 out-of-county attorney has left his or her home and office to  
15 attend a scheduled hearing in San Mateo County Superior Court.  
16 This makes the attorney's trip in vain, and very expensive for  
17 her or his client, who, when this happens several times, will  
18 realize the economy of employing a local attorney.

19 Quid pro quo. A judge's self-image is impaired by higher  
20 court reversal, and also it takes time and attention to keep up  
21 with the constant educational force of the United States Supreme  
22 Court. Effective application to the United States Supreme  
23 Court to review proceedings in a lower court indispensably  
24 requires the raising of federal issues at the earliest possible  
25 time in lower courts, generally by making constitutional claims  
26 in the complaint: what isn't timely raised is deemed waived.  
27 Successful appeal or petition to the United States Supreme Court  
28 may be indispensable for justice to a person whose action must

1 begin in San Mateo County Superior Court, but the judges don't  
2 like it, and local attorneys are made to know that their  
3 mentors don't like it. How better to indicate pliability to  
4 judicial will, conformably with the attorney's oath, than to  
5 forego making United States Constitution claims in a complaint  
6 and arguing federal cases even in such obviously-appropriate  
7 situation where one represents clients concerned for heritage,  
8 or racial, integration of school districts! See Sanders v.  
9 Board of Trustees of Sequoia Union High School District,  
10 Superior Court #166,522, filed in 1972; and Tinsley v. State of  
11 California, same court #206,010, filed October 5, 1976.

12 Consistently: When I supported a request of San Mateo  
13 County's Superior Court, Appellate Department, with citation of  
14 not less than three decisions of the United States Supreme Court,  
15 the presiding judge, with the other two judges taking no excep-  
16 tion, responded, "But have they been adopted by the California  
17 courts?" !!! --As if I had cited decisions of the highest  
18 court of Afghanistan!

19  
20 The county law library adjacent to superior court rooms  
21 in San Mateo County is not money-poor: it has on occasion been  
22 a question of how to spend large amounts of money, now how to  
23 find money for whatever might be needed. It required the  
24 endeavors of a person neither judge nor attorney several letters  
25 and appearances before the judges-and-attorneys' board of law  
26 library trustees, over a period of years, to secure to San  
27 Mateo County Law Library these basics: official reports of the  
28 United States Supreme Court, Stern and Gressman's Supreme Court

1 Practice, and United States Law Week. These attorney's oath-  
2 bound-and-bonded trustees resisted strongly, never, however,  
3 for lack of financial resources. They were prepared before  
4 acquiring the aforesaid basies for the most modest public law  
5 library to order sets of all the statutes of all the states and  
6 compendia of medical jurisprudence. Why? Obviously the  
7 judges intended to deter effective access to the United States  
8 Supreme Court. They would as trustees control the resources  
9 paid for by other than themselves and attorneys specially, for  
10 the benefit of the brotherhood at the expense of effectuating  
11 constitutional rights, privileges, and immunities to the people.

### 12 III. Claims

13  
14 Jurisdiction of San Mateo County Superior Court over me  
15 in this suit is disclaimed, and grounds and subordinate claims  
16 include but are not limited to the following:

17 1. Personal profit to the judges based on the volume of  
18 filings in the court, and as distinguished from work load or  
19 hours employed, exacted of plaintiffs and defendants to secure  
20 hearing, renders the judges engaged in barratry and champerty  
21 and not impartial as between attorneys and other persons before  
22 the court, inconsistently with my rights, privileges, and immu-  
23 nities by the United States and California Constitutions in pro-  
24 visions hereafter cited.

25 2. Whether or not a state is bound to provide courts, educa-  
26 tion, and elections to users thereof free of charge at the gate,  
27 it has no competence to render judgments in controversies by  
28 taxing a person named defendant in order to file an answer and  
have judgment in fair proceedings, consistently with the United

1 States Constitution and the California Constitution in provisions  
2 cited hereafter.

3 Hovey v. Elliott (1897) 167 US 409-447 at 413-419 and 446-447  
4 Gordon v. Dungan (1971) 20 CA3d 295 at (2,3) on page 300  
5 Beckstead v. Superior Court (1971) 21 CA3d 780 at 783 & 784.

6 3. A State cannot argue the unconstitutionality of a tax for  
7 voting by prescribing a chore for those not paying; neither can  
8 it argue my absolute right when the power of the State is exer-  
9 cized to decide controversies and enforce judgments to have an  
10 opportunity to answer and have fair hearing, by conditioning the  
11 latter upon my paying a fee to the State, and a fee innuring to  
12 the particular benefit of the court's judges.

13 Harmann v. Forasenius (1965) 380 US 528, and constitutional  
14 provisions cited hereafter.

15  
16 4. Statutes of the State, including but not limited to those  
17 in the Judges Retirement Law, Government Code, Sections 75000-  
18 75110, Government Code, Sections 68,203, 69,154, 12503, 26821,  
19 26821.2, 26822, 26822.2, 26822.3, 26823, 26824, 26825, 26826,  
20 and 26827, Business and Professions Code, Sections 6067, 6068,  
21 6301, and 6360, and California Constitution, Article VI,  
22 Section 15, in combination and sequence, on their face and as  
23 applied here, are unconstitutional and void with reference to  
24 the United States Constitution, in <sup>Article VI, Clause 2, and</sup> Amendments I, V, IX, XIII,  
25 and XIV, and the California Constitution in Articles I, III,  
26 Section 3, and their unconstitutional impact deprives me <sup>under color of State law and authority</sup> of a  
27 constitutional forum in the Superior Court of San Mateo County  
28 and as distinguished from only disqualification of judges indi-  
vidually for cause under color of state law and authority, in

1 guarantees to me by the United States and California Constitu-  
2 tions in provisions above cited, for equal protection of the  
3 laws, due process of law, equality of citizenship, liberty of  
4 occupation, and other rights, privileges, and immunities.

5  
6 5. Those who would be judges are entitled to their personal  
7 guidelines for conduct, however they differ from mine; but the  
8 paraphernalia of office does not create jurisdiction in the name  
9 of the people, constitutionally, and the conduct of the judges,  
10 in my view, refutes the jurisdiction of their court over me.  
11 Resources of wherewithal all persons need is limited, and in  
12 the circumstances existing, a taking from the people for one  
13 individual's services of over \$50,000 a year reflects upon the  
14 commitment of the taker to constitutions for commonweal. A  
15 payment by me, however small in the total, in tribute or extor-  
16 tion, for the "privilege" of filing an answer in courts for  
17 which the people already well provide, offends my conscience.

18 6. The demoiic composition of the San Mateo County Superior  
19 Court is so distorted from the adult population of the county  
20 and State as to render it jurisdictionless on that account  
21 alone. Presently and since its inception in 1879 this  
22 court systematically has been comprised of only european heri-  
23 tage men, an ethnic minority excluding me, a woman; and now,  
24 and heretofore for decades at least, so far as I can ascertain,  
25 all of the appointments to the court have been made by persons  
26 representing one of two private parties headquartered in Wash-  
27 ington, D.C. who comprise the entire Legislature and do not  
28 include any of nearing a million registered electors<sup>in California</sup> including me.

7. The jurisdiction of the Superior Court is impaired,  
further, by rebuff by its Clerk of me personally when I sought  
1 to file declaration of candidacy for the office of Superior  
2 Court judge in 1974 and by the refusal of the State when I  
3 sought admission to examinations for license to practice law  
4 over ten years prior, to admit me to any examination conducted  
5 by the committee licensing, and to adjudicate the merits of  
6 my claim to process for license.

7  
8 8. Failure of the Superior Court of San Mateo County through  
9 its judges to put primacy on enforcing the Constitution of the  
10 United States fundamentally impairs its jurisdiction over me.

#### 11 IV. Can Jurisdiction of the Controversy Be Effected?

12 A reader who accepts the reasoning foregoing, in substance,  
13 may ask, "Where do we go from here? Controversies need to be  
14 decided. Statutes maintaining defect in jurisdiction need to  
15 be changed, and can be within months, but the accumulations of  
16 ethnocentric past otherwise impair jurisdiction and are not so  
17 readily corrected. Can anything be done toward jurisdictional  
18 competence possibly timely for this particular suit?"

19  
20 Justiciability of controversy and possibility of forum  
21 competent jurisdictionally are open. State law, while not  
22 the highest, is appropriately searched for guidance consistent  
23 with constitutional principles. When local resources do not  
24 accommodate an action, the Chief Justice of California as chair-  
25 person of the Judicial Council is appropriately approached by  
26 a court. See Code of Civil Procedure, Sections 170 and 187.



1 The Chief Justice may find the example of the Texas  
2 Supreme Court 52 years ago in Johnson v. Darr (1925)  
3 272 SW 1098 creative, conservative of constitutions and state  
4 resources, and useful. Quoting from page 1098:

5 "All members of the Supreme Court were disqualified to  
6 sit in this case, and so certified their disqualification  
7 to the Governor of the state, whereupon, under authority  
8 contained in section 1517 of Vernon's Sayles' Revised  
9 Statutes of Texas, the Governor appointed a Special Supreme  
10 Court consisting of three women, Mrs. Hortense Ward, Special  
11 Chief Justice, and Miss Ruth Virginia Brazzile, and Miss  
12 Mattie L. Henenberg, Special Associate Justices, to hear and  
13 determine the issues."

14 In comprising a forum, attention should be given to  
15 composition by gender and relation to oaths which might divide  
16 the parties and their advocates in terms of the interests of  
17 the judge or judges.

18 I am entitled to whole human law on the constitutions,  
19 as distinguished from widely-prevailing european heritage male-  
20 favoring ethnic law. Appropriately no less than half, in my  
21 view all, of the judges in the circumstances should be women.  
22 As regards the oath to constitutions without compromise to  
23 persons present and controlling an attorney for a license and  
24 livelihood, through forced fealty and fiduciary relation to  
25 judges, I am entitled to judge or judges entirely free of the  
26 attorney's oath, either presently or intended, prospectively;  
27 and, I would say, also free of declaration to one of the private  
28 parties whose representatives control the present judiciary and  
State legislature to the exclusion of persons including me from  
like offices of the State by their enforcement of political  
tests violating the United States and California Constitutions  
in their provisions for associational liberties and equality

of citizenship. A person cannot serve two or three masters  
1 so inconsistent as constitutions, on the one hand, and attorney's  
2 genuflection to judges, and exclusion of independent candidates  
3 from access to ballot listing for federal and state offices on  
4 equal terms with those of representatives of two private parties,  
5 on the other, concurrently! Competence as a lawyer, of  
6 course, distinguished from status as an oathed attorney, and  
7 the former is appropriate for a judge.

8 Exhibits identified below are adopted here.

9 *Nancy Jewell Cross*  
10 Nancy Jewell Cross

11 Verification

12  
13 I, Nancy Jewell Cross, am the author of the foregoing  
14 Disclaimer. I have read it and know its contents, and the same  
15 is true of my own knowledge, except as to the matters therein  
16 stated on information or belief, and as to such matters I believe  
it to be true.

17 I certify under penalty of perjury that the foregoing  
18 statement is true and correct.

19 April 8, 1977 at, as checked,  
20 Menlo Park  
21 Redwood City  
22 Palo Alto California  
23 Stanford

*Nancy Jewell Cross*  
Nancy Jewell Cross

20 Exhibit	Exhibits	Pages
21 A	State Agency-Processed Compensation and Benefits To San Mateo County Superior Court Judges - 1977	16
22 B	Who Gets Income Annually \$15,000 or More?	17
23 C	The Oyster and the Litigants	18
24 D	Canons of Judicial Ethics - Excerpts	19
25 E	Moonlighting by Profs Scored	20
26 F	How Far Is Our Judiciary Getting Away from People?	21
27 G	\$50,000 Pay Ceiling	22
28 H	Ethnic Loyalty	23

STATE AGENCY-PROCESSSED COMPENSATION AND BENEFITS  
TO SAN MATEO COUNTY SUPERIOR COURT JUDGES - 1977

Per Judge  
Annually

Salary By state statute \$39,666 from the State and  
 \$9500 from San Mateo County \$49,166.00

Retirement Benefits to Judge, Wife, and Progeny

By state statutes collected from persons filing and  
 defending actions in the superior court \$3153.61

By the State 4863.04

8,016.65

Given to the Judges from County Taxes by County Supervisors

Health Care Plan, including wife and progeny,  
 Blue Cross or Kaiser, up to \$107 per month. Up to: \$1284.00

Care of teeth of the judge, judge's wife, and  
 progeny. Pacific Mutual Life Insurance. 216.06

Care of the eyes of the judge. Vision Service  
 Plan, Sacramento. 73.84

Straight life insurance, \$25,000 plus \$10,000 for  
 accidental death of the judge. North American Life  
 and Casualty Insurance. 107.90

Accidental death of judge "survivor's policy" from  
 Penn Security Life Insurance Company, \$100,000. 60.06

1,741.86

\$58,924.51

The foregoing do not require the judge to actually  
 perform services. According to a memorandum opinion  
 of the judge's and county supervisors' district  
 attorney counsel, they, as "officers" do not have to  
 actually work in order to be entitled to salary and  
 other benefits of their "office".

The State Legislature has cushioned judges uniquely from  
 government's taxation of the people through inflation by  
 raising their salaries in relation to the consumer price  
 index. Calif. Gov. Code, Section 69,154.

For visiting judge service a retired judge outside her or  
 his own county can augment the foregoing at \$35 a day, a  
 rate of \$12,775 a year, without anything deducted from  
 retirement benefits.

The Confer-  
 ence of  
 California  
 Judges  
 maintains  
 three  
 legislative  
 advocates in  
 Sacramento.

In 1973 the San Mateo County board of supervisors hitched their  
 salaries to the salaries of the county's Superior Court judges, and  
 the county's superior court found the county charter's proscription  
 of the board's raising its members and other county officers' salaries  
 during their term of office unconstitutional. Sorenson v. McGuire,  
 San Mateo County Superior Court #175,441. San Mateo Co. Ord. 2183.

WHO GETS INCOME ANNUALLY  
 \$15,000 OR MORE?

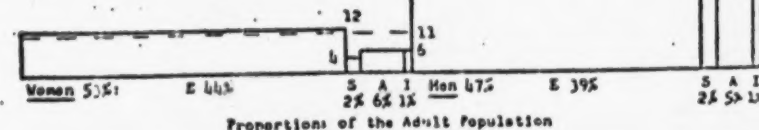
Relative Frequencies in the  
 United States, Southern North America

Average: 100

Key

- - - average  
 E = european heritage, "white"  
 S = south and central american,  
 and spanish heritage  
 A = african heritage, "black"  
 I = asian and indian heritage

Source of data: U.S. Bureau of the  
 Census, Current Population Reports.



Proportions of the Adult Population

From inception of the San Mateo County Superior Court in 1879  
 all of its judges have been european heritage men.

WELFARE TO RESIDENTS SET BY SAN MATEO COUNTY SUPERVISORS

To the county's 14 superior court judges who otherwise have an  
 assured salary and benefits package of \$4765.22 per month,  
 a maximum of \$145.15

To persons destitute, a maximum for one person \$143.00

For two adults \$242, for a parent and a child \$273,  
 for two adults and two children \$402, and for two  
 adults and six children \$616.

Asked "Do you expect a person to survive on \$143 a month?",  
 the county's eligibility coordinator replied, sadly, "No".

From The Fables of La Fontaine\*

A pair of pilgrims who met by chance on a beach  
Saw an oyster amid what rollers scatter.  
Starved eyes dwelt on the find, indicated by each;  
But before either tasted, both paused to bicker  
Then one bent down that he might possess it at least.  
The other seized it, saying, "I must know, and here,  
Which of us shall savor the feast.  
It should be his who saw it first; the other, merely there,  
Must watch it disappear but not desire to share."

The other said, "Thanks be, my sight's extraordinary".  
"Possibly, but it can't surpass my accuracy".  
The other said, "I saw it first or murder me".  
"Well & good! I've touched its shell,  
So plead intimacy."

Now as all this was going on  
Nabob Nobrain, the Grave, came by.  
They made him judge,  
And Nobrain downed the oyster subterfuge  
As our pair of gentlemen looked on.  
The then fed judge said in a patronizing tone,

"A word. The court assigns you each  
An oyster shell  
Without charge; you may now depart,  
Rewarded well."

Estimate the cost of a lawsuit and tell me  
How much the family has left, generally.  
That Nobrain will take the money is a certainty,  
The perquisite of the litigants is illusory.

\*Translated by Marianne Moore, Viking Press, 1954, at page 218.

Barretray, n. . . 3. Law. Persistent incitement of litigation.  
barratrously, barrator, also barrater. Origin: OF barateor, deceiver,  
from barater, to deceive.

Champerty, n. Law. A proceeding by which a person having no legitimate concern in a suit bargains to aid in or carry on its prosecution or defense in consideration of his receiving, in the event of success, a share of the matter in suit. Origin: F. champart, field rent, from ML, campi pars, from L campus, field + pars, share.

Webster's Collegiate  
Dictionary, 5th Edition.

The Canons were adopted by the Conference of California Judges as a guide to and reminder for judges and as indicator to the people of what we have a right to expect from judges. Published in California Rules of Court.

### 3-- Constitutional Obligations

It is the duty of all justices and judges of the courts of California to support and defend the Constitution of the United States and the Constitution of California; in so doing, they shall fearlessly observe and apply fundamental limitations and guarantees.

### 2-- The Public Interest

Courts exist to promote justice, and thus to serve the public interest. . . He (every judge) should avoid unconsciously falling into the attitude of mind that litigants are made for the courts instead of the courts for the litigants.

### 25-- Self-Interest

A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved. . .

### 22-- Personal Investments and Relations

A judge should refrain, as far as reasonably possible from all relations which might affect him in the impartial performance of his judicial duties. . . .

### 11-- Kinship or Influence

A judge should do nothing to justify the impression that any person can improperly influence him or unduly enjoy his favor, or that he is affected by the kinship, position or influence of any party or other person.

### 20-- Inconsistent Obligations

A judge should not undertake duties or incur obligations which might reasonably embarrass him in the performance of his judicial duties.

### 4-- Avoidance of Impropriety

A judge's official conduct should be free from impropriety and the appearance of impropriety; he should avoid infractions of law; and in his personal behavior, not only upon the Bench and in the performance of judicial duties, but also in his every day life, should be beyond reproach.

### 5-- Essential Conduct

A judge should be temperate, attentive, patient, impartial, and since he is to administer the law and apply it to the facts, he should be studious to the principles of the law and diligent in endeavoring to ascertain the facts.

### 28-- Gifts and Favors

A judge should not accept any presents or favors from litigants, or from lawyers practicing before him or from others whose interests are likely to be submitted to him for judgment.



# Moonlighting by Profs Scored

By BOB SCHMIDT

Mercury Sacramento Bureau

SACRAMENTO — California's Legislature is investigating charges that moonlighting college and university professors are costing taxpayers enormous sums of money in unearned salary and retirement benefits, it has been learned.

The practice of professors moonlighting as consultants is prevalent at both private and public institutions, according to information now available to an Assembly Ways and Means subcommittee and the State Teachers Retirement System.

Both the University of California and the California State University and College System allow professors to obtain off-campus jobs as consultants, and to keep their consultant's fees without being docked any of their college pay.

Assemblyman John Vasconcellos (D-San Jose), chairman of the subcommittee, said he was told that the University of California has a policy of permitting professors to spend as much as one day a week moonlighting.

Dr. Marjorie Wagner, CSUC vice chancellor of faculty and staff affairs, said there is no system-wide policy on off-campus consulting work. Each of the system's 19 campuses determines its own policy, she said.

But, she said, she believed that it was generally considered an asset for a professor to acquire "continuing experience in his field" by performing consulting work off campus.

At San Jose State University, professors are allowed to take on outside consulting jobs as long as they don't conflict with their regular duties, said Dean of Faculty Robert F. Sassee.

"The rule of thumb is that if a faculty member is spending more than one-fourth of his time off campus, he's beginning to reach the level where he is not giving the university full service," Dr. Sassee continued.

A second job is generally frowned upon, he said, but work as

(Back of Section, Col. 1)

(Continued from Page 1)

a consultant for a project in the professor's own field, on the other hand is usually considered valuable experience "because it keeps him in touch with the practical world and he brings that expertise back into the classroom."

"You don't want to discourage that," he added. "But the problem is where do you draw the line? At what point does it interfere with what he's doing for us? It's a very judgmental question and would vary with the individual."

Donald C. Swain, UC's academic vice president, said the practice "goes on in every major university in the country." Some of the consulting work, he acknowledged to Vasconcellos' subcommittee, is with government agencies.

Assemblyman Gordon Duffy (R-Hanford) said that in those cases "the taxpayers are paying (the professor's salary) twice. That is wrong."

Vasconcellos said he would ask that an investigation into the practice be made, possibly by Legislative Analyst A. Alan Post or by State Finance Director Roy Bell.

Meanwhile, the State Teachers Retirement System (STRS), already in deep fiscal distress, is asking the Legislature to close a loophole which has been contributing to its problem.

Assemblywoman Carol Hallett (R-Atascadero) will be asked to insert remedial language into one of her bills, AB 1002, said Leighton Case of the STRS.

The problem involves former teachers who have gone to work for private colleges and universities after retiring from public school careers, Case said.

Some of the professors are taking one day off a week from their university or college jobs and serving as consultants to school district superintendents at fees ranging from \$100 to \$250 a day.

One professor at the University of Southern California's School of Education is on a regular retainer of \$12,500 a year with a county school district, Case said. Because

he already has an STRS "account," his part-time service with the school district is giving him additional retirement benefits.

Only the additional benefits are not calculated based on the \$12,500 income, Case said. Instead, the STRS is required to "annualize" the part-time income, so that the account shows that for pension-calculating purposes the ex-teacher-professor-consultant's benefits are to be based on a current salary of \$51,000 yearly.

The consequence is that when the professor begins drawing benefits from the teachers' retirement system, he will be paid as if his last salary as a teacher was \$51,000 a year, and the resultant pension will be far beyond what his contributions and the district's contributions would normally entitle him to.

The STRS reported last year that if every member of the system demanded, at one time and in one lump sum, the money due them, the system would be \$6 billion short of being able to comply.

"We are trying to ascertain the extent of the problem, but it appears to be substantial," Case said.

San Jose Mercury  
Friday, April 1, 1977 pp 1+32F

Nairobi Is Talking About

# Ethnic Loyalty

By David Lamb  
Los Angeles Times

Nairobi, Kenya

A NAIROBI University student was stopped for a traffic violation on Mama Ngina street here the other day. The policeman took out his citation book and asked, "What tribe are you?"

In Lusaka, Zambia, a young man applying for a job was told to report to the personnel manager. He leaned over the receptionist's desk and asked, "What tribe is he?" Told that the manager was a Mashona, the applicant replied, "Then I'll never get the job."

And in Gulu, Uganda, an army sergeant decided recently, after a long discussion with his family to flee to Kenya. The reason: They were Acholis, and President Idi Amin's ruling tribe, the Kakwas, had marked many distrusted Acholis for death.

The phenomenon is called tribalism. To the westerner, it is one of the most difficult of African concepts to grasp. To many, it conjures up images of savagery and warfare, or warriors and customs that belong to another era. To most Africans, tribalism merely means loyalty of the staunchest sort to one's ethnic grouping.

★ ★ ★

MODERN AFRICAN politicians publicly deplore tribal divisions. Kenya's Vice Presi-



Uganda, Amin's small and backyard Kakwa tribe fills almost all the highest governmental and military positions.

★ ★ ★

THERE ARE more than 2000 tribes in black Africa. Each has its own language, its own customs, its own names and physical characteristics that make one of its members almost immediately recognizable to an individual from another tribe. In many or most cases, individuals are fiercely proud of their tribal heritage, regardless of their level in society.

One country that has largely avoided tribal nepotism is Tanzania. Observers say this is partly because President Julius Nyerere has always placed the welfare of his country ahead of the welfare of his own Zanaki tribe and partly because Tanzania has so many tribes (about 120) that none has been able to emerge as a dominant force.

By definition, it implies sharing among members of the extended family, insuring that one's own is looked after.

To give a job to a fellow tribesman is not nepotism, it is an obligation. For a politician or military leader to choose his closest advisers from the ranks of his own tribe is not patronage, it is good common sense. It ensures security, continuity, authority.

In Kenya, President Jomo Kenyatta's Kikuyu tribe dominates business and politics. Eight of the 21 cabinet posts, including the most important four, are filled by Kikuyus. In

Zambia's President Kenneth Kaunda says it will take decades to root out tribalism within Africa's young nations, and it will be accomplished only when governments can prove they are able to provide the same security and continuity that the tribe offers.

Until that happens, many observers say, tribalism will continue to be a more cohesive force than nationalism, and black unity will be a nebulous concept based more on rhetoric than fact.

San Francisco Chronicle ★ ★ Thurs., Mar. 24, 1977, p. 18.



CERTIFICATE OF SERVICE

I, Nancy Jewell Cross, declare and certify that I am a resident of San Mateo County, California, at 1902 Palo Alto Way, Menlo Park, CA 94025, and that I served the foregoing DISCLAIMER on Frederick E. Alzofon and Norma Alzofon by depositing an envelope addressed as indicated below with first class postage prepaid, containing a copy of the Disclaimer, in United States postal facility at, as checked, Stanford Palo Alto Redwood City Menlo Park California,

Melbert B. Adams  
11th floor, Palo Alto Office Building  
525 University Avenue  
Palo Alto, California 94301

Subscribed April 8, 1977 Under penalty of perjury for any perjury  
At, as checked, herein I declare the foregoing statement  
Stanford Menlo Park to be true and correct. *Nancy Jewell Cross*  
Palo Alto Redwood City Nancy Jewell Cross

Eleventh Floor  
Palo Alto, California 94301  
[415] 328-1470

Attorney for Plaintiffs

MAY 6 - 1977

MARVIN CHURCH, County Clerk

By WILLIAM LANAM  
Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

FREDERICK E. ALZOFON and  
NORMA ALZOFON,

NO. 209483

Plaintiffs,

ORDER OVERRULING DEMURRER

v.

NANCY JEWELL CROSS,

Defendant.

On May 4, 1977, there came on for hearing pursuant to the Notice of Hearing of Demurrer filed by the plaintiffs herein in response to the document filed herein by the defendant on or about April 8, 1977, entitled "DISCLAIMER".

Although the Court is of the opinion that said document is of no legal effect, plaintiffs' counsel has requested that it be treated and considered as a general demurrer so as to afford the defendant an opportunity to file an answer to the complaint, should she desire to do so.

IT IS THEREFORE ORDERED that said Disclaimer insofar as it may be deemed to be a general demurrer to the complaint is hereby overruled and twenty days allowed to the defendant from May 4, 1977, to file her answer herein.

Dated: MAY 5 - 1977

WILLIAM LANAM  
Judge



May 9, 1977

as set forth in declaration of service attached to original.

MELBERT B. ADAMS  
525 University Avenue  
Eleventh Floor  
Palo Alto, California 94301  
[415] 328-1470

Attorney for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN MATEO

FREDERICK E. ALZOFON and  
NORMA ALZOFON,

Plaintiffs,

v.

NANCY JEWELL CROSS,

Defendant.

NO. 209483

NOTICE OF OVERRULING  
OF DEMURRER

TO THE DEFENDANT ABOVE NAMED, who appears in propria persona:

YOU ARE HEREBY GIVEN NOTICE that the document filed by you entitled "Disclaimer" has been overruled and you have been given twenty (20) days from May 4, 1977 within which to file an answer.

YOU ARE FURTHER GIVEN NOTICE that unless you file an answer within such time, your default will be entered.

Dated: May 6, 1977.

*Melbert B. Adams*  
Melbert B. Adams,  
Attorney for Plaintiffs

# Zolin Warns Caseload May Close Civil Courts Next Year

By Alex Lakes

Los Angeles Superior Court—the largest court in the world—will very likely close its doors next year to most civil litigants, unless the State of California grants its request for 34 additional judges.

Court officials say the judges are needed to eliminate a crippling two-year civil case backlog. Some supervisors, notably Supervisor Kenneth Hahn, dispute the need for more judges and have called instead for sweeping court reform.

There is also a controversy between the county and state over the total cost of the additional judges. The county estimates \$3.9 million, while the state estimates \$2.5 million.

The dire prediction of civil court closure was made by Superior Court Executive Officer Frank Zolin, who has unsuccessfully attempted in recent weeks to muster needed support from the County Board of Supervisors for the additional 34 judges.

The board is expected to vote on the controversial request on Tuesday.

The vote will be critical since the state will not authorize any new judicial positions until the county supports them with local dollars.

Observers believe Supervisors Pete Schabarum and Baxter Ward will probably vote no. Supervisors Ed Edelman and Kenneth Hahn may endorse some additional judges, but not 34.

Supervisor James P. Hayes isn't talking. Board members opposed requests for 24 additional judges in 1973, and 29 in 1976.

In the unlikely event that the county would endorse the court's current request, the state "will be very reluctant" to grant all 34 judges, according to Gov. Edmund G. Brown's legal affairs secretary, J. Anthony Kline.

Kline cited financial reasons for state opposition. The total annual cost for one additional civil court judge, plus necessary supporting staff, is \$250,000—an amount excluding cost-of-living salary increases, said Kline, quoting findings of the State Department of Finance.

This figure represents both direct and indirect costs attributable to a new trial court position, said Kline.

Based on the above estimate, 34 civil trial judges would cost \$3.5 million, Kline said.

"I've never seen that figure," said Zolin, defending his oft-quoted \$3,967,000 cost estimate.

Cost Dispute  
Zolin, said Chief Administrative Officer Harry Hufford, and other county officials agreed the court's cost estimate was "accurate."

"Believe me, (our) figures are right," said Zolin.

Kline offered no apologies for the sharp contrast between state and county estimates of the 34-judge cost.

"We have our point of view," said Kline.

He suggested that the county figure might only provide for the salaries of the judges and their supporting staff.

The state estimate includes health, retirement and other considerations, Kline said.

He also said the state has received requests from other counties including San Diego, Orange, Alameda and Tulare for a total of 27 trial court judges to staff various superior and municipal courts.

If all 61 judges were granted, the cost to state taxpayers would total \$15.3 million annually, Kline said.

Increases Seen  
Despite costs of judicial manpower, Kline concedes "reluctantly" that the size of courts in some counties probably must be increased to keep pace with ever-increasing civil trial case loads.

The civil case backlog in Los Angeles courts has grown from 35,442 cases in January, 1975, to 47,426 in January of this year, according to Superior Court Presiding Judge William P. Hogoboom.

"People now have to wait over two years before a civil case can be tried," Hogoboom said. "That's much too long."

Case-load projections indicate that many, perhaps all civil courts will have to be closed in 1978 to handle criminal and juvenile work load, which has priority under the law, he said.

"If that happens, civil litigants, whether they are old-age pensioners, children, small businessmen, major corporations or governmental agencies, will be denied resolution of their civil disputes," the presiding judge warned.

Financial reasons are given as the basic grounds for supervisorial opposition by Hufford.

In his preliminary budget, Hufford earmarked enough funds to enable county courts to handle projected workload increases.

However, he made no provision for additional judges to eliminate backlogs.

By limiting the number of judicial positions, the court and other justices agencies will be obliged to continue with the long-overdue reform of judicial procedures, Hufford said.

"It also encourages efforts to move forward with your (the supervisors') board-approved efforts to consolidate the court system, thus eliminating duplicate efforts and making more efficient use of available judicial and supportive personnel."

Kline agreed that court reform would diminish the need for more judges.

However, immediate legislative action on various reform proposals is not possible, Kline said.

Many of the proposals require a constitutional amendment, which could not go on the ballot until June, 1978.

Los Angeles Superior Court needs 34 additional judges "with or without court reform," said Zolin.

Without the 34 judges an "avalanche of (civil case) backlogs" will cripple court operations in 1978, he said.

However, if approved, the 34 judges could begin tackling the court's case load crisis as early as next February, Zolin said.

Los Angeles Daily J.  
May 16, 1977,  
pages 1 and 3.

D

# Panel OKs Bills for Additional Judges

By Elizabeth Pollock

SACRAMENTO — The Orange County Harbor Municipal Court would receive a new judgeship and statutory commissioner, and Long Beach could receive a new municipal judgeship, under three bills approved Thursday by the Assembly Judiciary Committee.

Two other bills, creating a judgeship in south Orange County and two additional posts in Inglewood, have been held in committee by their authors.

AB 1406, introduced by Assemblyman Ronald Cordova, D-Lake Forest, would establish the Orange County Harbor Municipal Court post. It is backed by a resolution from the Orange County Board of Supervisors. The additional judgeship is also recommended in a staff analysis from the Administrative Office of the Courts, as is the proposed addition in south Orange County.

Cordova is also carrying AB 1405, which would set up the south Orange County post, which has not yet been approved by the Orange County supervisors.

Commissioner Seat. According to Cordova's legislative assistant, the statutory commissioner position "to be authorized by AB 1407" would replace a traffic commissioner position in the Harbor Municipal Court.

Dan Clark, a court management analyst for the Administrative Office of the Courts, said that "total cost for a judicial position in the municipal court probably runs currently around \$256,000 per year."

He explained that courtroom costs alone were "around \$124,000 per year."

However, he cautioned that those figures do not necessarily represent what the county budgets each year; rather, they include pro-rate estimates of such costs as building construction and maintenance, services and supplies for the court, courtroom and non-courtroom personnel, and jurors and witness fees.

AB 1787, by Assemblymen Henry Mello, D-Monterey, and Fred Chel, D-Long Beach, sets up a new judge in Monterey County, and proposes some new court arrangements for Long Beach and Catalina Island.

Supervisors' Support Needed. Chel explained that his part of the bill would only take effect with the

approval of the Los Angeles County Board of Supervisors. He said he is acting on a resolution passed unanimously by all the judges of the Long Beach Municipal Court, and that they have had a continuing dialogue with the judicial council and Supervisor James A. Hayes.

The measure would consolidate the Catalina Judicial District with the Long Beach Municipal Judicial District, terminate one traffic referee position in the consolidated district, while adding one new municipal court judge to the consolidated district.

L.A. Vote Due. The Los Angeles supervisors are expected to vote Tuesday on a request for 34 additional judges for the Los Angeles Superior Court.

At least three supervisors, Kenneth Hahn, Pete Schabarum and Barier Ward, are held likely to vote against the proposal, which court officials say would allow them to reduce a two-year backlog in civil case filings.

Supervisor Hayes has refused to comment on the issue.

The Los Angeles supervisors in 1975 and 1976 turned down requests for additional judges.

Chel said the Catalina justice spends only half a day per week on his island judicial duties and then is assigned on a per diem basis to substitute elsewhere in the county the rest of the week.

He added that the combined costs of the traffic referee's salary (\$25,000), the justice's salary (\$15,000), and the per diem and travel expenses paid for the justice when he substitutes, would exceed the cost of a new judgeship. He suggested that there might also be some clerical savings by not having separate Catalina Island facilities.

Cost Allocation. Clark said that while the county pays the full cost of all salary for new judges and support costs, the state only contributes to the judges' retirement system.

The bill to set up two more judgeships in Inglewood, AB 1239, by Assemblyman Curtis Tucker, D-Inglewood, was held in committee because Tucker does not have a resolution from the County Board of Supervisors.

Los Angeles Daily J. May 16, 1977, pp.1&6.

A.B. 1157 for L.A. County judges passed the Assembly Judiciary Committee 10:0 on May 19, 1977.

The representatives of two parties Legislature reserves seats on its 9 and 10 members Senate and Assembly Judiciary Committees for those declaration bound to defer to the pleasure of judges.

## Need for 34 More Judges In L.A. Told

By Alex Lukes

Los Angeles Superior Court Executive Officer Frank Zolin Tuesday said legislation endorsing 34 additional judges would "die" without support of the State Assembly Judiciary Committee.

The committee is scheduled to review the legislation Thursday.

Zolin, Superior Court Presiding Judge William P. Hogoboom and Karl Seuthe, chairman of the Committee for an Adequate Court, will appear at the Capitol to press for state approval of the controversial request.

Los Angeles supporters include Mayor Tom Bradley, Dist. Atty. John Van de Kamp, Los Angeles City Atty. Burt Pines and Police Chief Edward M. Davis.

Organizations supporting the 34 judges include the County Commission on Judicial Procedures, the Los Angeles County Bar Association and the Los Angeles Chamber of Commerce.

Despite support from various county officials, chances for state endorsement have decreased since the Board of Supervisors decided Tuesday to wait another week before voting on the request, Zolin said.

The state needs to know if the county is willing to support the 34-judge request with local dollars, he said.

Zolin estimated that the net cost to county taxpayers for the additional judges would be \$444,000, and the state share would be \$3.5 million.

However, the state estimate for the total cost of 34 additional judges is \$8.5 million, according to J. Anthony Kline, Gov. Edmund G. Brown's legal affairs secretary.

Supervisor Kenneth Hahn, a long-time fighter for court reform in lieu of adding judges, said Tuesday he wanted to study the proposal further before voting on it.

Court officials say the 34 judges are needed to alleviate a two-year civil case backlog in Superior Court.

"Simple litigants will be foreclosed from access to the courts if no relief is obtained," said Seuthe.

"If the bill (endorsing additional judges) fails, the public will be advised of the identity of those politicians who have failed them," Seuthe added.

L.A. Daily Journal May 18, 1977, pp.1&12.

## West, Northeast Lead

# National Survey Charts Rise In Hourly Cost of Legal Aid

By V.B. Stewart

Substantial increases in the hourly cost of legal services across the United States were reported recently by a private firm which regularly monitors law firm activities.

The survey by Altman and Weil, Inc., of Ardmore, Pa., shows that from early 1976 to early 1977, the Northeast and far West led for top ranking in hourly rates for legal service.

According to the survey, which drew responses from 335 U.S. firms, hourly rates for lawyers with four to five years' experience in the Northeast rose 12.5 percent, from \$48 to \$54.

Hourly rates for lawyers with six to ten years' experience in the same region climbed 10.3 percent, from \$58 to \$64.

In the West (excluding California) hourly rates for lawyers of four to five years' experience rose 8.5 percent, from \$47 to \$51; for lawyers of six to ten years' experience the rate rose 15.7 percent, from \$51 to \$59.

In California, the hourly rate increase for the two experience groups was 10.9 percent, from \$58 to \$64; and 8 percent, from \$67 to \$71, respectively.

Note that the highest hourly rate in 1977 is in California:

\$61 an hour for attorneys with 4-5 years' experience--in the year from 1976 up 10.9% from \$55 an hour; and

\$71 an hour for attorneys with 6-10 years' experience--in a year up 6% from \$67 an hour.

The on-state to approach California in percentage increase in hourly rates was Florida. There rates for lawyers with less experience climbed 7.8 percent, from \$51 to \$55, and for the more experienced 11.8 percent, from \$61 to \$67.

Hourly rate increases for other regions were:

Midwest: (excluding Ohio), four to five years' experience, 8.7 percent, from \$46 to \$50; six to ten years' experience, 9.4 percent, from \$53 to \$58.

Southwest: 9.1 percent, from \$44 to \$48; and 9.8 percent, from \$51 to \$56, respectively.

South: no change in the first category; 3.9 percent, from \$52 to \$54 in the second group.

In Ohio, lesser experienced lawyer rates rose 8.7 percent, from \$46 to \$50, while rates for more experienced lawyers increased 9.4 percent, from \$53 to \$58.

Startling Salaries

The survey also showed that the median starting salary for 1977 graduates is \$17,500, though salary offers to beginners depends greatly on locale and type of firm.

According to Altman and Weil, 71 percent of salary offers to new graduates were under \$12,500, 14.8 percent were between \$12,500 and \$14,999, 27.5 percent were between \$15,000 and \$17,499, 1.6 percent were from \$25,000 to \$29,999, and 1.6 percent were from \$30,000 to \$39,999.

A total of 187 firms in the survey made 501 job offers to emerging graduates, Altman and Weil said.

The survey showed that fees for standard forms of legal service varied widely, depending upon location and kind of firm.

For example, the average cost for formation of a domestic business corporation ranged between \$250 and \$1,250, the survey showed.

In Western states the average cost for such service was \$624, and \$836 in California.

In the Midwest it was \$570; in Ohio \$561; in the Southwest \$577; in the South, \$474; in Florida, \$531; and in the Northeast, \$644.

Smaller firms on the average were found to charge \$583 for domestic corporation formation, while firms of 40 or more lawyers charged an average of \$734.

Office Operations. The survey included questions on office operations, which indicated that law firms today are spending substantially more for office equipment than they are to upgrade research facilities.

The typical large-city law firm spent 37.6 percent of its gross fee dollars (exclusive of salaries) on office expenses, the survey indicated.

The survey showed city firms are spending about \$1,996 per lawyer for purchase, maintenance, lease or rental of copiers, typewriters and other types of equipment.

Expenses of library and related research facilities were only \$304 for such firms the survey found.

The survey revealed that law firms in more populous centers generally spend proportionately more for office equipment, while small town firms spend more for library and related materials.

Small town firms reported per lawyer average costs of \$1,082 for library materials, and \$1,673 for office equipment.

Their overall overhead costs in 1976 were reported at 36.8 percent of gross receipts, and average billings per lawyer were lower than big-city firms.

The survey showed that California leads the nation in number of paralegals used, 15 to 18 per 100 lawyers.

Participating firms averaged 1.22 secretarial support employees per lawyer.

Los Angeles Daily J. May 16, 1977, pp.1&3.



1101:

WILLIAM LANAM

ASSIGNED TO  
DEPT # BELOW

2:00 PM

189058 Mary G. Schabert vs. Donald Charles Scott  
Personal injuries  
Malcolm L. McPhee Dueane E. Clapp, Jr.  
Martin Dowling

13

198621 Christopher Cormier vs. Willie Lewis  
Damages for personal injuries  
Fred C. Espey  
Yale W. Rohlf

11

2:30 PM  
175334 Jack Richard Gerhardt vs. Donald W. Olsen  
Complaint in intervention  
Cotchett, et al.,  
Bishop & Barry

13

205183 Olga R. Gavidia vs. Jose A. Gavidia  
Dissolution  
Edward R. Litwin  
Gary Royce

11

*Bench & Bar Meeting  
in rear of Judge  
Pombo's Courtroom  
Sept 10  
across the hall*

Name, Address and Telephone Number of Attorney(s)

Space Below for Use of Court Clerk Only

EXHIBIT II

Attorney(s) for

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

In re the marriage of

CASE NUMBER

Petitioner:

☐ PETITIONER'S ☐ RESPONDENT'S

and

FINANCIAL DECLARATION

Respondent:

Dated:

Husband:

Wife:

Age: Social Security No.:

Age: Social Security No.:

Occupation:

Occupation:

PART A: INCOME AND EXPENSE STATEMENT

(a) Gross monthly income from:

Salary and wages (including commissions, bonuses and interest payable

(weekly/monthly/etc.)

Pensions and retirement

Social security

Disability and unemployment insurance

Public assistance (welfare, AFDC payments, etc.)

Child/spousal support re prior marriage

Dividends and interest

Rents

All other sources: (Specify)

Total monthly income

(b) Itemize deductions from gross income:

Income taxes (state and federal)

Social security

Disability insurance

Medical or other insurance

Union or other dues

Retirement or pension fund

Savings plan

Other: (Specify)

Total deductions

(c) Net monthly income

	Husband	Wife
Salary and wages (including commissions, bonuses and interest payable (weekly/monthly/etc.)	\$	\$
Pensions and retirement		
Social security		
Disability and unemployment insurance		
Public assistance (welfare, AFDC payments, etc.)		
Child/spousal support re prior marriage		
Dividends and interest		
Rents		
All other sources: (Specify)		
Total monthly income	\$	\$
Income taxes (state and federal)	\$	\$
Social security		
Disability insurance		
Medical or other insurance		
Union or other dues		
Retirement or pension fund		
Savings plan		
Other: (Specify)		
Total deductions	\$	\$
Net monthly income	\$	\$